

**United States Court of Appeals  
For the First Circuit**

CO-70  
USDC/VH  
Diclerico, J.

No. 09-1297

---

UNITED STATES,

Appellee,

v.

DAVID FIORE,

Defendant, Appellant.

---

Before

Lynch, Chief Judge,  
Boudin and Stahl, Circuit Judges.

---

**JUDGMENT**

**Entered: January 22, 2010**

Appellate counsel has moved to withdraw under Anders v. California, 386 U.S. 738 (1967), and has filed a supporting brief arguing that there are no non-frivolous grounds for appeal. Appellant has submitted a pro se brief identifying issues he feels merit review, along with an appendix. Appellant has also filed a letter/motion which we construe as a request to appoint new counsel. After careful review of appellate counsel's brief, appellant's pro se brief and appendix, and our own independent review of the entire record, we agree with appellate counsel's assessment that no non-frivolous grounds for appeal exist in this case. Accordingly, appellate counsel's motion to withdraw is granted, the district court's judgment is summarily affirmed, and appellant's motion to appoint counsel is denied.

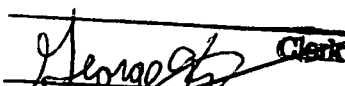
**Affirmed.**

By the Court:

/s/ Margaret H. Carter, Clerk

cc:  
Seth R. Aframe  
Mark Irish  
Roger A. Cox  
David William Fiore

Certified and Issued  
as mandate under  
Fed. R. App. P. 41

  
Deputy Clerk